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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,290	02/13/2004	Hubert Beck	4452-592	7424

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 02/03/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief</b> <b>(37 CFR 41.37)</b>	<b>Application No.</b> 10/779,290	<b>Applicant(s)</b> BECK, HUBERT	
	<b>Examiner</b> Lan Nguyen	<b>Art Unit</b> 3657	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 07 November 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Xuan Lan Nguyen/ 1-21-09  
Primary Examiner  
Art Unit: 3657

Continuation of 10. Other (including any explanation in support of the above items):

\* Under section "Summary or the Claimed Subject Matter", please label the claim numbers next to each summary. For example, Appellant presents a summary for claim 1, a summary for claim 11 and a summary for claim 12, please label each summary accordingly.

\* Appellant states in the "Status of Claims" that claims 1, 4-7 and 9-12 are on appeal. Then, in the "Argument" section, Appellant states "Applicant does not appeal the rejection of claims 1, 6, 7 and 9" and "Applicant does not appeal the rejection of claims 4 and 5." These statements are conflicting one another. It is unclear which claims are being appealed and which claims are not. Please clarify and correct to brief accordingly.

\* Furthermore, it is unclear which ground of rejections are being requested to be reviewed on appeal. In the section "Grounds of rejection to be reviewed in appeal", Appellant lists "Whether claims 1, 6, 7 and 9 are patentable under 35 USC 103 over US patent 3954257 (Keijzer) and US patent 2458157 (Funkhouser)?" However, in the "Argument" section, Appellant states "Applicant does not appeal the rejection of claims 1, 6, 7 and 9." If Appellant does not appeal claims 1, 6, 7 and 9 then the ground of rejection would not need to be reviewed. Again, it is unclear and is conflicting which claims are being appealed. In the section "Grounds of rejection to be reviewed in appeal", Appellant also lists "Whether claims 4, 5, 11 and 12 are patentable under 35 USC 103 over US patent 3954257 (Keijzer) and US patent 2458157 (Funkhouser) in view of US patent 5267725 (Wode)?" Note that claims 4, 5, 11 and 12 are in the same ground of rejection. It does not make sense and is improper to only appeal the rejection of claims 11 and 12 but not claims 4 and 5 since they are in the same ground of rejection and they all are claiming the same groove and bead. Please clarify and correct accordingly.